

REMARKS

Reconsideration of the amended application is respectfully requested.

Claim 6 has now been amended to include the prescribed pH range of the resultant solution for use as feed water to the animals to be treated. Claim 7 has now been cancelled as this original claim was directed to this same feature.

In the Office Action mailed August 9, 2005, Claims 6 through 11 have been initially rejected under 35 USC §103 as being unpatentable over Corwin (U.S. Patent No. 3,421,999) when considered alone or further in view of Persinger U.S. Patent No. 4,932,400 under 35 USC §102.

The present invention as now defined in the claims, specifically defines that a continuous contact is effected from the gaseous mixture derived from the aforementioned generator until the content of the ozone in the water supply is within a range of from about five (5) parts per million to about twenty (20) parts per million and that the content of oxygen is between about 80% to about 97% of saturation and having a prescribed pH range.

Before responding in detail to the outstanding Office

Action, it will be helpful to review the principal aspects of the present invention.

The present invention relates to an improved method for treatment of feed water for livestock and other animals to reduce bacterial contamination while at the same time improving live performance.

Among today's meat producers, it is increasingly important to inhibit diseases caused by bacterial infection. The portal of infection most often is via the animals' mouth into its digestive tract. Thereafter, the harmful bacteria may remain in a carrier state such as feces and spread to an entire common population group. For instance, the harmful bacteria may, in turn, be passed from animal to animal by means of feces contamination in a common water source, common feed source or licking of other animals. Free flying birds may also pose a source of contamination in both water and feed. Accordingly, owing to increased population density of animals, for example, growing pens, the reduction and inhibition of such sources of bacterial contamination is essential.

Accordingly, those skilled in the art have recognized a significant need for a convenient method for reducing bacterial contamination in livestock and other animals. Moreover, there is a need to reduce sources of contamination to other animals such

as cattle, sheep, goats, pigs and poultry from feces common in water sources, feed sources, and licking of other animals. The present invention fulfills these needs.

Now defined in the claims, the present invention provides an improved method for reducing bacterial contamination and infectious diseases in livestock and other animals, by providing a prescribed solution wherein the content of ozone is within a range of from about 5 part per million to about 20 parts per million; and the content of oxygen is between about 80 to about 97% saturation and the pH above about 7.4 for use as feed water to the animals to be treated.

None of the features of applicant's invention as now defined in the claims are disclosed or suggested by cited prior art of record whether considered alone or in combination.

Corwin in U.S. Patent No. 3,421,999 discloses an ozone generator for purifying a contaminated fluid system. While stated in column, lines 10, et seq. of the Corwin patent, an object of the invention is to provide an ozone generating system wherein ozone is generated and discharged to purify water used in a pool, then the excess ozone is collected and discharged to purify drinking water, and the excess ozone is again collected and discharged into the air conditioning system for purifying air in a home.

There is no disclosure in Corwin of the treatment of feedwater for livestock and other animals to reduce bacterial contamination in accordance with applicant's invention. Moreover, Corwin fails to disclose any oxygen content, more ozone content, more pH range as presently defined in applicant's claims.

Persinger in U.S. Patent No. 4,932,400 goes no further in disclosing nor suggesting the novel features of applicant's inventions as defined in the claims.

In U.S. Patent No. 4,932,400 the instant inventor disclosed a novel method and apparatus for inhibiting shipping fever in livestock which further improved digestibility of consumed feed. In more detail, the Persinger invention provided a unique method comprising the steps of producing a supply of ozone and nitrous oxide gas from ambient air; effecting direct contact between the ozone and nitrous oxide gas and a supply of water by means of a bubbler device to produce a prescribed hydrogen peroxide-nitrous oxide content; continuing such contact to a prescribed range and providing the resultant water supply for use as feed water to the livestock to be treated.

U.S. Patent No. 4,932,400 discloses a method and apparatus for inhibiting shipping fever in livestock and improving digestibility of consumed feed. The treating solution

is characterized by a prescribed hydrogen peroxide-nitrous oxide content, within a range of from about 1,000 part per million to about 40,000 parts per million and providing the resultant water supply for use as feed water for inhibiting shipping fever.

It is respectfully submitted, in determining the differences between the prior art and the claims, the question under 35 USC §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Cor., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); Schenck v. Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed.Cir. 1983).

Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole." W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 12430, 229 USPQ 303 (Fed.Cir. 1983), cert. denied, 469 U.S. 851 (1984).

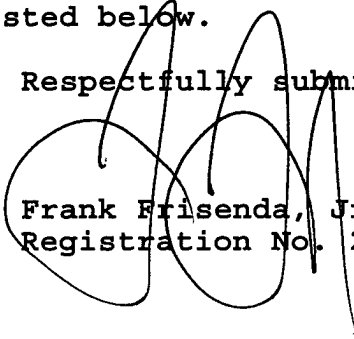
None of the foregoing features as now defined in applicant's claims are disclosed nor suggested by the cited references, whether taken alone or in combination.

In view of the foregoing amendments, it is respectfully submitted that the application is now in condition for allowance. Accordingly, an early and favorable next office action to that

effect is earnestly solicited.

Should the Examiner have any further comments or suggestions for expediting prosecution of the above-identified application, it is respectfully requested that he contact the undersigned at the phone number listed below.

Respectfully submitted,



Frank Frisenda, Jr.
Registration No. 27,884

Frank Frisenda, Jr.
FRISENDA, QUINTON & NICHOLSON
4386 So. Eastern Avenue, Suite D
Las Vegas, Nevada 89119
Telephone: (702/792-3910)